

Customer No. 24498  
Attorney Docket No. PF030001US  
Reply to Office Action of September 5, 2008

**Remarks/Arguments**

Claims 1-26 are pending. New claim 26, which depends from claim 1, has been added. No new matter is believed to be added by the present amendment.

Previous claims 20 – 25 have been indicated to be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims. In response, without discussing the actual merits of the rejections in the final office action, applicants, in order to move the prosecution of this case forward, have rewritten independent claims 1 and 16 to include limitations of previous claims 20 and 23. Applicants reserve the right to re-introduce the previous independent claims in a divisional application.


The amended independent claims include the feature, essentially recited in previous claims 20 and 23, related to the creating of a new, second cluster in response to a detected number of dissimilarity range being above a minimum level, and assigning of the new audio track and one or more of the audio tracks of the first cluster to the new, second cluster. It is believed that the cited prior art references do not disclose the newly added features of independent claims 1 and 16. Additional formal amendments have also been made to the claims.

Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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No fee is believed due. However, if a fee is due, please charge the additional fee to  
Deposit Account 07-0832.

Respectfully submitted,

  
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